

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

February 03, 2025
LAURA A. AUSTIN, CLERK
BY: s/J. Vasquez
DEPUTY CLERK

TIMOTHY WAYNE SMITH,)
)
Plaintiff,) Case No. 7:24-cv-00293
)
v.) **MEMORANDUM OPINION**
)
SUPERINTENDENT CLAY) By: Hon. Thomas T. Cullen
CORBIN *et al.*,) United States District Judge
)
Defendants.)

Plaintiff Timothy Wayne Smith, proceeding *pro se*, filed a civil-rights action under 42 U.S.C. § 1983 against Defendants Superintendent Clay Corbin, Director of Nursing Allena Kovak, Captain Heath Custer, and Nurse Christopher Robinson. (*See* Compl. [ECF No. 1-1].) On December 23, 2024, the Court granted Plaintiff's motion to amend his complaint and ordered him to file an amended complaint completely setting forth his claims against each Defendant within 30 days. (*See* Order [ECF No. 34].) The Court also notified Plaintiff that his failure to file an amended complaint within the 30-day period would result in dismissal of this action for failure to prosecute and failure to comply with the Court's order. (*See id.* at 1.)

More than 30 days have elapsed, and Plaintiff has not filed an amended complaint. Accordingly, the Court will dismiss this action without prejudice for failure to prosecute and failure to comply with the Court's order. *See* Fed. R. Civ. P. 41(b).

ENTERED this 3rd day of February, 2025.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE